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Remarks

Claims 1-39 are pending in the application.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-39 are rejected under 35 U.S.C. § 103(a) as being obvious over USPN 4,750,482 to Sieverding in view of USPN 5,028,435 to Katz. The Examiner cites Sieverding for the disclosure of a "hydrophilic, elastomeric, pressure-sensitive adhesive which may be used as a coating on a supportive web-like substrate for delivering an active agent. . ." The Examiner states that Sieverding "differs from the instant case only in that it does not teach use of a protein and a carbohydrate."

Applicants respectfully traverse the rejection. The present rejection of the pending claims does not set forth a case of *prima facie* obviousness. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art to modify the reference(s); there must be a reasonable expectation of success; and the prior art reference(s) in combination must teach or suggest all the claim limitations. Moreover, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure.

First, Sieverding fails to teach or suggest a water-soluble or water-dispersible adhesive. In contrast to the Office Action's characterization, Sieverding specifies that the adhesive must be water-insoluble. The Examiner states that "hydrophilic" is functionally equivalent to "water-dispersible." A "hydrophilic" material does not equate to a "dispersible" material. For example, one skilled in the art could treat the surface of a piece of plastic to make it hydrophilic by the standard definition, but that does not make the piece of plastic "water-dispersible". Even assuming for the purposes of argument that hydrophilic can be functionally equivalent to water-dispersible as alleged by the Examiner (which Applicants' dispute), any interpretation of Sieverding to equate "hydrophilic" with "water-dispersible" ignores the teachings of Sieverding in both its description and its applications.

Sieverding is concerned with a pressure sensitive adhesive that is "a soft, yet strong, rubber-like solid" that "absorbs moisture that cannot be squeezed out." See col. 5, lines 57-58; col. 6 lines 14. This is clearly NOT an adhesive that solubilizes or

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disperses in water. Rather, Seiverding's adhesive is structure that will absorb fluid and not break apart even if squeezed.

Significantly, Sieverding specifies that the adhesive is "water-insoluble" (emphasis added). See, e.g., Abstract; col. 1, line 12; col. 5, line 54; col. 6, lines 56 and 67; col. 7, line 13 and 61. As stated in Sieverding, "[t]he cross-linked polymer of the adhesive is water-insoluble and has a three-dimensional matrix." Col. 7, line 20; see also col. 10, lines 61-68; col. 11, 38-42; col. 14, 21-23; claim 1. The three dimensional network is formed by extensive crosslinking which is preferably done by radiation as exemplified in the Examples. Thus, the adhesive is clearly a crosslinked three dimensional polymer network as discussed at col. 6, lines 58 and 62; col. 7, line 15; col. 9, lines 31 and 42; and NOT an adhesive dispersible in water.

Seiverding further provides that the adhesive functions as a *bacterial barrier*. Please see col. 8, lines 37-39; col. 17, lines 47-48. A bacterial barrier should remain intact to function as a barrier. This would NOT be possible with an adhesive system that dissolved or dispersed in water.

Second, Sieverding fails to teach a a water-soluble or water-dispersible carrier. Thus, Sieverding fails to disclose both a water soluble/dispersible adhesive and a water-soluble/dispersable carrier, each capable of dissolving or dispersing once in contact with water. At most, Seiverding discusses a web-like substrate that can be a gauze or nonwoven fabric (see col. 17, line 12), or polystyrene (col. 16, line 55). If compared to any layer for purposes of argument, the web-like substrate is more appropriately considered equivalent to the support layer described in Applicants' specification.

Finally, Sieverding fails to disclose any construction of a device in which a support layer is attached to a carrier on the surface opposite the adhesive layer, i.e. a construction of 1) support layer, 2) carrier, and 3) adhesive.

The Examiner acknowledges that Sieverding fails to teach proteins and carbohydrates but relies on Katz for that disclosure. As discussed above, Sieverding at a minimum fails to disclose either a "cold-water soluble or cold-water dispersible carrier" or a "cold-water soluble or cold-water dispersible adhesive." Katz further fails to cure the deficiencies of Sieverding because Katz fails to teach or disclose a cold-water soluble/water dispersible carrier layer, cold-water soluble/water dispersible adhesive layer, and a support layer. Further, neither reference provides any motivation to modify the references to achieve the combination as claimed by Applicants. Thus,

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the combination of Sieverding and Katz fails to teach all elements of the present invention. Applicants request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

All outstanding objections and rejections are believed to have been met and overcome. If a telephonic conference with Applicants' undersigned representative would be useful in advancing the prosecution of the present application, the Examiner is invited to contact the undersigned at (651) 733-2180. A notice of allowance for all pending claims is respectfully solicited.

Respectfully submitted,



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